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May 17, 2023

VIA E-MAIL ONLY: freeoregonnow@gmail.com

Chris Brand
18380 S Cadle Creek Ln
Oregon City, OR 97405

Re: Petition for Public Records Disclosure Order
Oregon Secretary of State
DOJ File No.: 165001-GA0056-23

Dear Mr. Brand:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Secretary of State to disclose a signed copy of a Memorandum of Agreement relating to cybersecurity services for state election entities. According to your petition, has not responded to your request in a timely manner.

Any person who has submitted a public records request to a state agency may petition the Attorney General if they believe an agency has failed to comply with the processing timelines and other provisions contained in ORS 192.329. ORS 192.407(1). However, if the public records at issue are in the custody of an elected official, then "no petition to require disclosure may be filed with the Attorney General," and if a petition is filed, "it shall not be considered by the Attorney General * * *." ORS 192.427. Because your petition seeks records in the custody of the Secretary of State, an elected official, we lack jurisdiction to consider your appeal and must respectfully dismiss your petition. The Office of the Secretary of State also informs us that this matter is now moot because the requested document has been furnished to you.

Sincerely,

for

Lisa M. Udland
Deputy Attorney General

ACF:pjn
c via e-mail only: PK Runkles (SOS)